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5-5-04 IFW

DAC

Attorney Docket No. 9400-49

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Maria Adamczyk et al.

Serial No.: 10/719,270

Group Art No.: 2661

Filed: November 21, 2003

Confirmation No.: 2793

For: METHODS, COMPUTER PROGRAM PRODUCTS, AND SYSTEMS FOR
MANAGING QUALITY OF SERVICE IN A COMMUNICATION NETWORK
FOR APPLICATIONS

May 4, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of November 21, 2003 rather than November 24, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of November 21, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page (www.usps.com), showing "acceptance" or deposit date with the USPS at 5:36 p.m. on November 21, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of November 24, 2003 instead of the Express Mail date of November 21, 2003.

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In re: Maria Adamczyk et al.
Serial No.: 10/719,270
Filed: November 21, 2003
Page 2

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of November 21, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



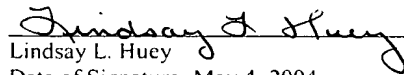
David K. Purks
Attorney For Applicant
Registration No. 40,133

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

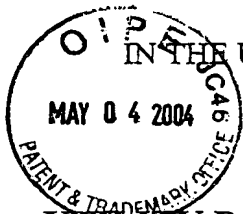
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Lindsay L. Huey
Date of Signature: May 4, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 9400-49

DATE: November 21, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Maria Adamczyk – Alpharetta, Georgia
Edgar Vaughan Shrum, Jr. – Smyrna, Georgia
Li Zhang – Alpharetta, Georgia

Thomas Arnold Anschutz – Conyers, Georgia
Steven Allan Wright – Roswell, Georgia

Entitled: METHODS, COMPUTER PROGRAM PRODUCTS, AND SYSTEMS FOR MANAGING QUALITY OF SERVICE IN A COMMUNICATION NETWORK FOR APPLICATIONS

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 39072

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 79 pages of Specification (including 41 claims)
3. ☒ 25 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☒ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*)) [Note Box 6 Below]
 - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and _____ references cited

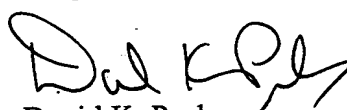
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventors(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).)
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	41 - 20 =	21	x 09 = \$	x 18 = \$378
INDEP CLAIMS	5 - 3 =	2	x 43 = \$	x 86 = \$172
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1320

- ☐ A check in the amount of \$ to cover the filing fee is enclosed.
- ☒ A check in the amount of \$1320 is enclosed to cover the filing fee and a check in the amount of \$40 is enclosed to cover the Assignment Recordation fee.
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

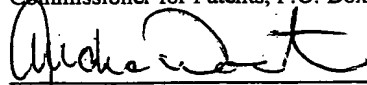

 David K. Purks
 Registration No. 40,133

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Doc. No. 9400-49
Serial No. T69
Inventor: Adamczyk

Sir: Kindly acknowledge receipt of the accompanying items listed below
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✓ Application Transmittal and:
✓ Specification pages 19
✓ No. of Claims 41
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✓ Assignment and Fee -340
✓ Small Entity Statement
✓ Formal Drawings/25 sheets
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Other: _____

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

22141 U.S. PTO
10/7/02
112403

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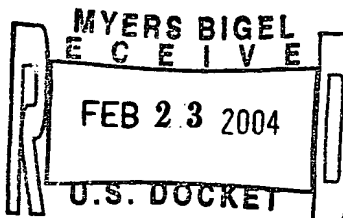


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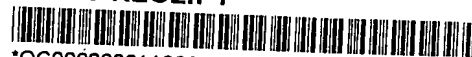
APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/719,270	11/24/2003 11/21/2003	2661	1320	9400-49	25	41	5

39072
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 P.O. BOX 37428
 RALEIGH, NC 27627



CONFIRMATION NO. 2793

FILING RECEIPT



OC000000011939468

Date Mailed: 02/20/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Maria Adamczyk, Alpharetta, GA;
 Thomas Arnold Anschutz, Conyers, GA;
 Edgar Vaughan Shrum JR., Smyrna, GA;
 Steven Allan Wright, Roswell, GA;
 Li Zhang, Alpharetta, GA;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/470,650 05/15/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/19/2004

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

Title

Methods, computer program products, and systems for managing quality of service in a

communication network for applications

Preliminary Class

370

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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